

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, October 26, 2015

Those Present:	Mr. Dick Zimmerman, Chairman Mrs. Maggi Hays, Board Member Mr. Rick Stup, Board Member Mrs. Linda Thall, Sr. Asst. County Attorney Mr. Harold C. DeLauter, Alcoholic Bev. Inspector Mr. Bob Shrum, Alcoholic Bev. Inspector Mrs. Penny Bussard, Administrative Specialist V Mrs. Ashley Sklarew, Administrative Specialist V
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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by Chairman Zimmerman.

1. Decision Required: New

RE: Jonathan Marcoux II and Nicholas Wilson
for the use of Olde Mother Brewing, LLC
t/a Olde Mother Brewing
911 E. Patrick Street
Frederick, MD 21701
Class DBR, On Site Consumption Permit
On Sale Beer Only License

Mrs. Bussard introduced the Liquor Board and staff. The pending items for this application are: the Manufacturer's license, Workers Compensation, Fire Marshal approval and the Inspector's Report. Mrs. Bussard then proceeded to swear in the applicants. The applicant stated that he spoke to Mr. Lou Berman prior to this hearing and the Manufactures license is being processed now and it will be picked up Wednesday in the Annapolis office. Currently there are no employees. When they do get employees they will obtain Workers Compensation. The applicants have not yet heard anything from the Fire Marshal's Office but they do have their City Occupancy Permit. Their projected opening date is October 31, 2015. Inspector Shrum stated that he was at the establishment and the applicants meet all requirements set forth by the Board. Neither applicants has had licenses in the past. The applicants plan to have the establishment open for business on Fridays, Saturdays & Sundays only. Mr. Keith Marcoux is alcohol awareness trained and his certification is good until November 14, 2018. Mr. Wilson will take the TIPS class in November with the Board's staff. The applicants have an outdoor patio and their occupancy for the patio is limited to 20 people. The area is completely enclosed. Mr. Stup would like the applicants to complete an application for the outdoor seating. The applicants would like to have live music, acoustic style, on Saturday nights but they must talk to the planning department first. Mr. Stup

explained that piped in music requires completion of the Entertainment application and asked the applicants to complete the application and return it to staff for the Board's approval.

MOTION: Mr. Stup made a motion for conditional approval for the application until November 16, 2015; the applicants are bound by their testimony and application. The applicants must file an application for outside seating and inside entertainment.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

2. Decision Required: Violation

RE: Archana Gupta and Sudesh Kumar Gupta
for the use of 1090 Corporation Inc
t/a Hillcrest Wine & Spirits
1090 W. Patrick Street
Frederick, MD 21703
Class A, Off Sale, Beer, Wine & Liquor
11AL 1018 SU
FCLB # 8767

Mrs. Thall swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on June 18, 2014, at approximately 5:15pm, either directly or through an employee, the licensees sold or furnished an alcoholic beverage to a minor, Sierra Dawn Coulbourne, and allowed her to possess an alcoholic beverage in violation of Article 2B of the Annotated Code of Maryland, § 12-108(c), and §6.16(a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensee pleaded guilty. Mrs. Thall made the police report of June 18, 2014, as part of the record, Board's Exhibit 1. Mr. Kevin Williams (employee of the establishment) stated that he did check the id but he just made an honest mistake with the date on the id. The store was busy and a shift change was occurring during the sale to the minor. Improvements have been made to include an id checking machine. Mr. Zimmerman noted in the police report that Mr. Williams was argumentative and stated it was harassment. Mr. Williams said that it was a true statement. Mrs. Thall swore in Vinay Gupta, a family member of the establishment owners. Mr. Vinay Gupta stated that a mistake was made and it was an honest mistake. Corrective measures have been

made and all employees have been instructed to make sure this mistake is not repeated. Mr. Vinay Gupta stated that they kept Mr. Williams employed because when he began employment with the establishment he was in trouble with the law, and they wanted to give him an opportunity, a good environment, training, family values and how to be a good citizen. Mr. Williams has been an employee for three years and has since kept himself clean and has become a tax paying citizen. Mr. Vinay Gupta stated Mr. Williams just made an honest mistake. Mrs. Thall indicated the licensees brought in a binder that shows that they have successfully passed other compliance checks. Mrs. Bussard stated the license was issued on October 10, 1991 and upgraded to Beer, Wine and Liquor on December 23, 1996. There was a violation on June 6, 2011, Sales to Minor, the licensees paid \$1,000 fine, 10 day suspension, suspended for one year probation. On, August 1, 2000, Sales to Minor, the licensee paid a \$400 fine, 10 day suspension, suspended for 3 month probation. On June 9, 2004, there was an Alcohol Awareness Violation, No Contest Letter for \$100. On May 23, 1994, Sales to Minor and a warning was issued. Mr. Stup informed the licensees of the ID training the Board is hosting with Marty Johnson on November 3. Mr. Zimmerman highly recommended the licensees sending someone to the training.

MOTION: Mr. Stup made a motion to assess a fine for \$1,500 for selling and furnishing a minor with alcohol. Suspend the license for two weeks, suspended, with one year probation. A person from the establishment must attend the November 3rd, ID training class.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Nay
Mr. Stup-Aye-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-2, Nays-1**
(Motion Passed)

3. Decision Required: Violation

RE: Keith Davis
for the use of Beachley's Variety Store
t/a Beachley's Variety Store
4602 Old Swimming Pool Road
Braddock Heights, MD 21714
Class A Off Sale, Beer and Wine
License # 11AW 1158 SU
FCLB Case Number: 8986

Mr. Richard Bricken, the attorney representing Beachley's Variety Store, asked how the attorney for the Board can have the authority to swear in witnesses, to render the oath. Mr. Bricken stated that he has never seen a tribunal where an attorney for the tribunal has the authority to swear witnesses in. Mrs. Thall stated that if Mr. Bricken would like, she would have someone else read the oath. Mr. Bricken wants his objection noted for the record. Mrs. Thall stated that if Mr. Bricken is noting an objection she could cure the objection by having somebody else do the swearing in. Mr. Bricken stated that it was not up to him to cure anything, that he has a client and a duty to represent the client. Mr. Zimmerman stated that he appreciated Mr. Bricken's comment and it has been noted. Mrs. Sklarew swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). Mrs. Thall read the violation charge was that on July 17, 2015, at approximately 9:00pm, either directly or through an employee, the licensee sold or furnished an alcoholic beverage to a minor, Justin Anthony Clouse, and allowed him to possess an alcoholic beverage in violation of Article 2B of the Annotated Code of Maryland, §12-108(c) and (d), and §6.16(a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensee pleaded not guilty. Mrs. Thall began with Inspector Shrum. Inspector Shrum was working as an Inspector on July 17, 2015, at approximately 9:00pm he was in front of Beachley's Variety Store located at 4602 Old Swimming Pool Road in Braddock Heights. Inspector Shrum was at the establishment because he had received several complaints about sales to minors. Mr. Bricken objected and Mr. Zimmerman noted it for the record and asked Inspector Shrum to carry on. Inspector Shrum was observing the store to watch patrons enter and exit. Inspector Shrum was able to observe a young man entering store. Mr. Bricken objected because Inspector Shrum was reading from a report. Mr. Zimmerman noted for the record. Inspector Shrum stated that he observed the young man go to the rear of the store and returned to the front counter appearing to hold a carton of beer. Inspector Shrum waited for Mr. Beachley to conclude the sale. As the person left the establishment Inspector Shrum walked up to the person and identified himself and asked if he could look in the bag. At which time, the person showed Inspector Shrum, and there was a 30-pack of Miller Lite Beer. Inspector Shrum asked the person to accompany him back to the establishment, which he did. At that time the person said he was 19 years of age. Mr. Bricken objected because the witness/subject is not present at the hearing. Mr. Zimmerman noted it for the record. Inspector Shrum stated that the subject went back into the store with him and identified himself as Justin Anthony Clouse and his date of birth was May 13, 1997, which would have made him 18 years of age at that time. Inspector Shrum spoke to Mr. Beachley and he apologized and he was glad that Inspector Shrum woke him up and he was familiar with the young man who purchased the alcohol. The following day Inspector Shrum went to the Maryland State Police Barricks and obtained a photo picture and a copy of Mr. Clouses' driving record which states that he is 18 years of age. Mr. Bricken objected, and Mr. Zimmerman noted it for the record. Inspector Shrum prepared a report after his visit to the establishment, and prior to the report Inspector Shrum went back the following evening and showed Mr. Beachley the picture of the subject and at that time Mr. Beachley stated he mixed up the subject with his brother but also found out his brother was 19. Mr. Bricken

objected to Mrs. Thall making the report part of the record. Mr. Zimmerman asked Mr. Bricken if he had a copy of the report, and told Mr. Bricken if he would have asked for the report for preparation for the hearing, he would have received a copy. Mr. Zimmerman stated that Mr. Bricken previously stated that he would pick up a copy of the new regulations a week prior to the hearing, but never showed up. Mr. Bricken stated that Inspector Shrum is an honorable and truthful person who he would never question his creditability. Mrs. Thall made the inspector's report part of the record. Mr. Bricken stated he had no objection. The Board found that the licensee, either directly or through an employee, sold or furnished an alcoholic beverage to a minor, Justine Anthony Clouse, on July 17, 2015. The Board found that the licensee, either directly or through an employee, permitted the possession of an alcoholic beverage by a minor, Justin Anthony Clouse, on July 17, 2015. The Board found that the licensee violated §12-108(c) and (d) of Article 2B of the Maryland Annotated Code and §6.16(a) and (g) of the board's Regulations. Mrs. Bussard stated that the license was issued on October 13, 1977. On August 20, 2007, there was a sales to minor violation, with a \$500 fine and one year probation. On June 27, 1994, there was a sales to minor violation, with a \$500 fine. On July 20, 1992, there was a gaming violation, keeping tables. On June 24, 1987, there was a sales to minor violation, the licensee was found not guilty. On February 14, 1985, there was a sales to minor violation, with a \$500 fine. On May 10, 1984, the licensee had a conference with the Board for being found guilty for gambling. Mr. Bricken objected to the permissibility of the two non related liquor violations. Mr. Zimmerman noted Mr. Bricken's objection for the record but Mr. Zimmerman stated it is overruled because the regulations, whether they're gaming tables or etc, are items that are actually mentioned in the Board's Rules and Regulations. Mr. Bricken asked how many times have there been inspections at this establishment since 2007? Mrs. Bussard stated in September of 2002 the establishment passed a compliance check that was completed by the Sheriff's office.

MOTION: Mr. Stup made a motion to assess a \$1,500 fine, one week suspension, one year probation and attendance at the November 3, 2015, ID training class. The licensee is given the option to buy back the suspension for \$1,000 and the probation remains the same.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

MOTION: Mrs. Hays made a motion to extend the deadline for payment one additional week for the licensee.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

4. Decision Required: Violation

RE: Brad Winn
for the use of Brewer's Alley, Inc
t/a Brewer's Alley
124 N. Market Street
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor
License # 11BL 1051
FCLB Case Number: 8987

Mrs. Thall swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on January 14, 2015, at approximately 3:50pm, either directly or through an employee, the licensee sold or furnished an alcoholic beverage to a minor, Peter Francis LeGare, and allowed him to possess an alcoholic beverage in violation of Article 2B of the Annotated Code of Maryland, § 12-108(c), and (d) and §6.16(a) and (g) of the Frederick County Alcoholic Beverages Regulations. Mr. Phil Bowers, owner, pleaded guilty with an explanation. Mr. Bowers stated that they had questions for the charging officers however; they were not at the hearing. One specific question was if the bartender asked how old the minor was. Mr. Bowers stated they did not receive a copy of the report. To answer Mr. Bowers' question, Mr. Zimmerman read from the report "LeGare ordered an Indian Pale Ale brand beer from Owens who immediately asked him for his identification card. LeGare retrieved his identification card from his wallet and handed it to Owens. Owens looked at the identification card and handed it back to LeGare. Owens then retrieved an Indian Pale Ale from the cooler and sat it in front of LeGare." Mrs. Hays stated that the report states Owens asked both LeGare and the undercover police officer for their identification card. Mr. Bowers added that Mr. Owens has worked for Brewer's Alley for a long time and the policy in place requires automatic termination and it broke Mr. Bowers' heart to do it. Mr. Owens grew up in the business and it was an oversight and it happened. Mr. Zimmerman confirmed that Mr. Owens is no longer an employee because of the event. Mr. Bowers stated that the employees are routinely trained 4 or 5 times a year. Mr. Bowers stated that Mr. Owens had

alcohol awareness training. Mrs. Bussard stated that the license was issued on February 22, 1999. On July 30, 2015, there was a failure to comply with the Fire Marshal, which was a No Contest Letter with a \$100 fine. On May 21, 2001, there was a sales to minor, with a \$200 fine, 3-day suspension that was suspended and 3 month probation.

MOTION: Mr. Stup made a motion to assess a \$400 fine, one week suspension, suspended, and a 90 day probation and attendance at the November 3, 2015, ID training class.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

5. Decision Required: Violation

RE: Graham Baker & Marcia Baker
for the use of La Paz Mexican Restaurant, Inc
t/a La Paz Mexican Restaurant
51 S. Market Street
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor
License # 11BL 1169
FCLB Case Number: 8988

Mrs. Thall stated for the record that the police officers are not at the hearing. Mrs. Thall then swore in the licensees, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on January 14, 2015, at approximately 3:50pm, either directly or through an employee, the licensees sold or furnished an alcoholic beverage to a minor, Peter Francis LeGare, and allowed him to possess an alcoholic beverage in violation of Article 2B of the Annotated Code of Maryland, § 12-108(c), and (d) and §6.16(a) and (g) of the Frederick County Alcoholic Beverages Regulations. Mr. Baker pleaded guilty. Mr. Baker stated that two weeks prior to this event, a policy was developed to not accept vertical id's. A gentleman called Mr. Baker because his son was going to turn 21 years old and if he had come in with a vertical id would the restaurant accept it. Mr. Baker called the Liquor Board and got the approval that yes; a vertical id can be taken as long as it's within 30 days of the birthday. Two weeks later, the bar manager took the vertical id, and it was the first vertical id she had taken and she made a mistake reading the last digit. Ms. Lisa Cromwell stated that after the

incident happened she had her eyes checked by her eye doctor and was issued glasses because of a stigmatism. Mr. Baker stated that currently 11 employees have been alcohol awareness certified. Mrs. Baker stated they discuss this topic with their employees often and they are all aware to not make this mistake. Mrs. Thall stated that she heard from the police department and they are responding to a crime that occurred downtown so that is the reason the police department is not at the hearing. Mrs. Bussard stated the license was issued on February 23, 1978, a transfer on June 8, 1982, occurred to add Marcia Baker and switch to a corporation and location on February 3, 2006. On March 25, 2002, a sales to minor violation occurred with a \$200 fine.

MOTION: Mr. Stup made a motion to assess a \$400 fine, 6 month probation and attendance at the November 3, 2015, ID training class.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:
There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

6. Decision Required: Violation

RE: Jennifer Dougherty
for the use of Magoo's of Frederick, LLC
t/a Magoo's Pub & Eatery
1-A W. Second Street
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor
License # 11BL 2881
FCLB Case Number: 8989

Mrs. Thall stated for the record that the police officers are not at the hearing. Mrs. Thall then swore in the licensee, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on January 14, 2015, at approximately 5:08pm, either directly or through an employee, the licensee sold or furnished an alcoholic beverage to a minor, Peter Francis LeGare, and allowed him to possess an alcoholic beverage in violation of Article 2B of the Annotated Code of Maryland, § 12-108(c), and (d) and §6.16(a) and (g) of the Frederick County Alcoholic Beverages Regulations. Ms. Jennifer Dougherty pleaded guilty. Ms. Mary Drawbaugh, council for the licensee, stated that she did receive a summary that was provided from the State Attorney's office and a copy of the Alcohol Beverages Regulations from the Board and Article 2B from the State. Ms.

Dougherty stated that she runs a tight ship, and it was a weak moment when she sold the alcohol to the minor. It was a January afternoon at 5:00pm and Ms. Dougherty was doing something else. One person appeared to be well of age and she never gave it a thought that the other person may be under age. Ms. Dougherty stated that it was an honest mistake. Ms. Dougherty stated she does not have a history of violations and have never appeared before this Board. Ms. Dougherty stated she's had a license since 1987 with one year off. Ms. Dougherty asked for the Board's consideration. Mrs. Bussard stated that the license was issued on December 16, 2009, Ms. Dougherty was the licensee at Jennifer's Restaurant and there was no violation history at Jennifer's Restaurant. On August 2, 2010, there was a violation at Magoo's for Consumption Outside the license premises on St. Patrick's Day. There was a \$200 fine assessed and \$100 was suspended. Ms. Dougherty stated that she is on the premises most of the operating hours. There are 5 other alcohol awareness trained employees.

MOTION: Mrs. Hays made a motion to assess a \$400 fine, 6 month probation and attendance at the November 3, 2015, ID training class. The motion was not seconded.

MOTION: Mr. Stup made a motion to assess a \$400 fine, \$200 suspended, one week suspension, suspended, a 90 day probation period and attendance at the November 3, 2015, ID training class.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

7. Decision Required: Violation

RE: Thomas Miller
for the use of TMI Auto Liquidators, LLC
t/a Guido's
543 North Market Street
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor
License # 11BL 1174
FCLB Case Number: 8785

Mrs. Thall stated for the record that the police officers are not at the hearing. Mrs. Thall then swore in the licensee, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on March 22, 2015, at approximately 2:02am, either directly or through an employee, the licensee allowed people to

remain at the bar after 2:00am and allowed alcoholic beverages to remain on the bar. This violated §5.14 of the Frederick County Alcoholic Beverages Regulations. Mr. Thomas Miller pleaded guilty with an explanation. Mr. Miller stated that of the two people who were still at the establishment, one was actually the owner of the band that was contracted to be at the establishment that night; he was waiting on his check. The other person was the day manager, who escorted the other gentleman out when he left. Mr. Zimmerman referred to the inspector's report which states there were 3 individuals standing at the bar, and two beer bottles were on the bar. Mr. Casey Morin stated that he was the manager and bartender on duty and as Mr. Miller stated there were band members waiting to be paid. The glasses on the bar did not belong to these individuals. The bottles were placed there by the doorman that was cleaning up around the bar since it was just after closing time. Mr. Morin continue to state that he was under the impression since they were band members, and employees for the night, they were allowed to wait at the bar for payment. Mr. Morin stated that he was going through the paperwork to get an accurate sales figure because the band is paid based on sales. Mr. Morin was informed by Inspector Shrum that he was mistaken and Inspector Shrum went over with Mr. Morin protective measures he could use to prevent this from happening again. Mr. Miller stated since that day, the establishment has placed an action plan, to end bands at 1:00am. Mrs. Bussard stated that the license was issued on September 2, 2009, the license was transferred and the original license was issued February 29, 2012, the entity remained the same but two licensees were removed from the license. On June 8, 2015, the licensee was late to pick up the renewal, \$100 fine. On July 30, 2014, there was a violation of failure to comply with the Fire Marshal, No Contest Letter, \$100 fine. On November 4, 2013, there was a violation of drinking after hours, \$1,000 fine. On September 9, 2013, a violation of failure to notify the Board of change of hours, a written warning was issued. On September 24, 2012, there was a violation of serving to an intoxicated person, charges were dismissed. On August 26, 2011, there was a violation failure to notify the Board of a change of address for a licensee, a written warning was issued. On July 28, 2011, a violation for filing the renewal late, a no contest letter was sent, \$400 fine. Mr. Miller stated that all of the violations except for one were paperwork oriented. Mr. Miller stated that he runs a car dealership during the day and he is the only one there, so all of it was missed dates. Mr. Miller stated the most recent was picking up the license, and thought they would be getting a note, and 10 minutes on the day the license was to be picked up they received a phone call, the establishment has never been open without a license. Mr. Zimmerman stated the requirement under state law Article 2B, states if you have two violations of any type, within two years, than the Board is required to consider as a sanction some type of suspension. Mr. Morin stated that the previous violation was due to a computer error, he told the 6 or 7 people that were still in the bar, and he asked them to wait by the exit door. At that time Frank was the Inspector and he never informed Mr. Morin that he saw beer bottles on the bar. Inspector Shrum stated since the incident, there has not been any problems, most of the time people are out before 2:00am, and the licensees have been doing a great job since that time.

MOTION: Mr. Stup made a motion to assess a \$500 fine, one week suspension, and a 90 day probation period. The licensee is given the option to buy back the suspension for \$1,000 and the probation remains the same.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

THE BOARD PAUSED THE MEETING AT 10:38 AM FOR A SHORT RECESS. THE PUBLIC HEARING RESUMED AT 10:42 AM

8. Decision Required: Violation

RE: Elizabeth Mantua & Lisa Hanagan
for the use of Green Valley Restaurant, Inc
t/a Dominic's Restaurant Bar & Grill
11791 Fingerboard Road
Monrovia, MD 21770
Class B, On Sale, Beer, Wine and Liquor
License # 11BL 3056
FCLB Case Number: 8781

Mrs. Thall stated for the record that the police officers are not at the hearing. Mrs. Thall then swore in the licensee, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on December 14, 2014 at approximately 2:02am either directly or through an employee, the licensee allowed at least one person to consume an alcoholic beverage after 2:00am. This violated §5.10, and §5.14 of the Frederick County Alcoholic Beverages Regulations. Mr. Lawrence Mantua pleaded guilty with an explanation. Mr. Mantua stated that it was an oversight and they have changed their policy to start pushing customers out of the door by 1:30am. Mrs. Bussard stated that the license was issued on October 8, 2010. On August 15, 2014, there was No Contest Letter for installing a pool table without Board Approval, \$100 fine.

MOTION: Mr. Stup made a motion to assess a \$700 fine, with \$350 of the fine suspended, and a 6 month probation period.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous ***Aye-3, Nays-0***
(Motion Passed)

9. Decision Required: Violation

RE: Paul Florimbio, Eddie Chaney & Kevin Jones
for the use of Fraternal Order of the Orioles
t/a Orioles Nest #331
1037 W Patrick Street A
Frederick, MD 21701
Class C, On Sale, Beer, Wine and Liquor
License # 11CL 4397
FCLB Case Number: 8780

Mrs. Thall stated for the record that the police officers are not at the hearing. Mrs. Thall then swore in the licensee, witnesses and anyone who wanted to testify (see sign-in sheet). The violation charge was that on December 16, 2014 at approximately 2:01 am either directly or through an employee, the licensees allowed several people to continue to sit at the bar after 2:00 am. This violated §5.14 of the Frederick County Alcoholic Beverages Regulations. The second violation charge was November 16, 2014 at approximately 2:01 am either directly or through an employee the licensees failed to remove 1 or more alcoholic beverages from the bar by 2:00 am. This violated §5.14 of the Frederick County Alcoholic Beverages Regulations. The third violation charge was on November 16, 2014 at approximately 2:01 am either directly or through an employee the licensees permitted at least 1 person to consume an alcoholic beverage after 2:00 am. This violated §5.10 and §5.14 of the Frederick County Alcoholic Beverages Regulations. Mrs. Thall asked the licensees how they wanted to plead on the charges. Licensee Paul Florimbio, President of the Orioles Nest, pleaded guilty with an explanation. The licensee stated on the particular evening he lost track of time. He stated he thought the time was a little earlier than what the actual time was. Mr. Florimbio was very apologetic about violating the policy and has since implemented procedures for the club not to violate the Liquor Board policies. They have pushed the time up for last call and hired a door person for the club to ensure that everyone is out the club in the time allotted. Mr. Florimbio stated that the alcohol was pulled by the bar attendants and given to the bartender for disposal. Mr. Florimbio stated there were no more alcohol sales and the bar was closed. Since the violation has occurred Inspector Shrum and Inspector Delauter have been by inspecting the bar. The Orioles Nest has a running history in the community. The Orioles Nest helps many charitable organizations with events in the Frederick community. They also have a driver set up to help assist getting patrons home that are unable to drive because they may have had too much to drink. The drivers are on hand to get patrons home safely. Mr. Zimmerman asked about the prior history for the Orioles Nest. Mrs. Bussard stated license was issued November 7, 2013 and there is no violation history.

MOTION: Mr. Stup made a motion to assess a \$200 fine for each violation totaling \$600, with \$300 of the fine suspended, and a 6 month probation period.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:
There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

Respectfully submitted,

Kathy Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Ashley Sklarew